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App. or use through 10/31/2002. OMB 0651-0031  
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7/24/02NOTICE OF APPEAL FROM THE EXAMINER TO THE  
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4264C5

## EXPRESS MAIL CERTIFICATION

Express Mail Number: EL 782 733 106 US  
Date of Deposit: July 5, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature: Mila T. Kasan  
Print Name: Mila T. KasanIn re Application of  
Livak et al.Application Number  
09/627,753 Filed  
July 28, 2000For  
**HYBRIDIZATION ASSAY USING SELF-QUENCHING  
FLUORESCENCE PROBE**Group Art Unit  
1656 Examiner  
Riley, JeziaApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner, dated February 4, 2002, rejecting the following claims: 39 and 40.The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 320.00.

Applicant claims small entity status. See 37 CFR 1.27. Therefore the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 01-2213. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Vincent M. Powers 36,246  
Typed or printed name Reg. No.

attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a): 36,246July 5, 2002

Date

Vincent M. Powers

Signature

07/12/2002 AWD AAF1 00000015 012213 09627753

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320.00 CH

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.\*



\* Total of \_\_\_\_\_ forms are submitted.